

1 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
DANA ALDEN FOX, SB# 119761  
2 E-Mail: Dana.Fox@lewisbrisbois.com  
EDWARD EARL WARD JR. SB#249006  
3 E-Mail: Edward.Ward@lewisbrisbois.com  
TERA A. LUTZ, SB# 305304  
4 E-Mail: Tera.Lutz@lewisbrisbois.com  
633 West 5<sup>th</sup> Street, Suite 4000  
5 Los Angeles, California 90071  
Telephone: 213.250.1800  
6 Facsimile: 213.250.7900

7 Attorneys for Defendant, SANG LEE

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UNITED STATES DISTRICT COURT

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CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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12 CORY SPENCER, an individual;  
DIANA MILENA REED, an  
13 individual; and COASTAL  
PROTECTION RANGERS, INC., a  
14 California non-profit public benefit  
corporation,

15 Plaintiffs,

16 vs.

17 LUNADA BAY BOYS; THE  
18 INDIVIDUAL MEMBERS OF THE  
LUNADA BAY BOYS, including but  
19 not limited to SANG LEE, BRANT  
BLAKEMAN, ALAN JOHNSTON  
20 AKA JALIAN JOHNSTON,  
MICHAEL RAE PAPAYANS,  
21 ANGELO FERRARA, FRANK  
FERRARA, CHARLIE FERRARA;  
22 and \_\_\_N.F.\_\_\_\_; CITY OF PALOS  
VERDES ESTATES; CHIEF OF  
23 POLICE JEFF KEPLEY, in his  
representative capacity; and DOES  
24 1-10,

25 Defendants.

CASE NO. 2:16-cv-02129-SJO (RAOx)

Assigned District Judge Hon. S. James  
Otero, Courtroom 10C

Discovery Assigned to Magistrate Judge  
Hon. Rozella A. Oliver

**DEFENDANT SANG LEE'S REPLY  
BRIEF IN SUPPORT OF MOTION  
FOR PARTIAL SUMMARY  
JUDGMENT**

*[Filed concurrently with Opposition &  
Objections to Request for Judicial  
Notice; Response to Additional Material  
Facts; and Evidentiary Objections]*

Date: September 5, 2017  
Time: 10:00 a.m.  
Crtrm.: 10C

Complaint filed: March 29, 2016  
Trial Date: November 7, 2017

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**TO THE HONORABLE COURT AND ALL PARTIES OF RECORD:**

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4831-2387-8477.1

2:16-cv-2129

DEFENDANT SANG LEE'S REPLY BRIEF IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT

1 Defendant Sang Lee (“Defendant Lee”) hereby replies to Plaintiffs’  
2 Opposition to Individual Defendants’ Motions For Summary Judgment (Plaintiffs’  
3 Opposition).

4 **I. THE BAY BOYS**

5 Plaintiffs have failed to address any of the claims raised by Defendant Lee in  
6 his motion for partial summary judgment. Instead, plaintiffs make broad sweeping  
7 claims about the “Bay Boys.” While plaintiffs allege that the “Bay Boys” have  
8 threatened, coerced, and committed torts against plaintiffs, there is no evidence to  
9 suggest that Defendant Lee threatened, coerced, or committed torts against  
10 plaintiffs. Particularly, since Defendant Lee never interacted with plaintiffs.  
11 [Separate Statement of Uncontroverted Facts (“SSUF”) 5, 10].

12 **II. PLAINTIFFS LACK EVIDENCE REQUIRED TO**  
13 **SUPPORT A CONSPIRACY CLAIM**

14 “Under California law, a conspiracy is an agreement entered into between two  
15 or more persons with the specific intent to agree to commit a specified crime, with  
16 the further specific intent to commit that crime, followed by an overt act committed  
17 in the state by one (or more) of the parties for the purpose of accomplishing the  
18 object of the agreement.” (*United States v. Fernandez* (9<sup>th</sup> Cir. 2004) 388 F.3d 1199,  
19 1225).

20 Plaintiffs allege the Lunada Bay Boys are comprised of the eight individually  
21 named defendants and Does 1-10 [(Docket No. 1, ¶7) (Plaintiffs’ Additional  
22 Matieral Facts (“PAMF”) 24-88)]. However, plaintiffs rely on evidence of  
23 Defendant Lee’s communication with non-Bay Boys to support their claim for  
24 conspiracy. [(PAMF 25)<sup>1</sup> (PAMF 26)<sup>2</sup>]. Not only is this evidence irrelevant, but it

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26 <sup>1</sup> Plaintiffs site to an email from Sang Lee to Brad Ringer, Charlie Beukema, Charlie Mowatt, Colm Gallagher, David  
27 Camplin, Dave Mello, David Millcreek, Derek Debraal, Eric Binz, Geoff Dsena, Greg Jehelkas, Jay Duston, Joe Bark,  
28 John Camplin, Andy Patch, Art Rozzi, Mark Griep, Michael Papayans, Woddy Ris, Peter Babros, Reno Caldwell,  
Steven Fairbrother, and Tom Sullivan.

1 fails to prove that Defendant Lee conspired with the named defendants in this suit.  
2 While defendant Michael Papayans is included in one of the emails, the remaining  
3 twenty-two (22) recipients are not defendants in this suit.

4 Plaintiffs also rely on evidence that Defendant Lee made phone calls to  
5 individuals named Charlie Mowat and David Melo (PAMF 42). Not only do  
6 plaintiffs fail to provide evidence that the phone numbers they allege in fact belong  
7 to Mr. Mowat and Mr. Melo, but even if they did, these phone records do not prove  
8 a conspiracy between the “Bay Boys” as Mowat and Melo are not defendants to this  
9 suit.

10 Plaintiffs further argue that Defendant Lee is a member of the Bay Boys  
11 because he attended Palos Verdes High School. (PAMF 28). This is not sufficient  
12 evidence to prove that someone is part of a conspiracy.

13 Plaintiffs also claim that Defendant Lee called Defendant Brant Blakeman  
14 sixty-two (62) times on January 29, 2016. (Plaintiffs’ Opposition p.7:26-27).  
15 However, plaintiffs fail to provide any evidence that it was in fact Brant Blakeman  
16 who Defendant Lee was calling. Plaintiffs allege Defendant Lee made phone calls  
17 that day to a phone number with the last four digits of “3917.” (PAMF 40).  
18 However, plaintiffs have provided no evidence to suggest the last four digits of  
19 Brant Blakeman’s phone number are “3917.” In fact, plaintiffs allege that the last  
20 four digits of Brant Blakeman’s phone number are either “7934” or “7634.” (PAMF  
21 43).

22 While the records indicate Defendant Lee made two phone calls on January  
23 29, 2016 to a phone number with the last four digits of “7934,” even if we assume  
24 this was Brant Blakeman’s phone number, two phone calls do not create evidence of  
25 a conspiracy.

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27 <sup>2</sup> Plaintiffs site to another email between Sang Lee and Tom Sullivan.

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**III. DEFENDANT LEE DID NOT INTERACT WITH PLAINTIFFS**

While plaintiffs continue to attempt to structure this suit like a class action lawsuit, the claims in this suit are being brought by plaintiffs Cory Spencer (“Spencer”), Diana Milena Reed (“Reed”), and the Coastal Protection Rangers solely. Spencer has only seen Lee on one occasion. (SSUF 3). Lee has never spoken to Spencer. (SSUF 5). Lee has never threatened Spencer. (SSUF 6). Lee has never made any physical contact with Spencer. (SSUF 7). Reed has never had any interaction with Lee and did not see him during any of her visits to Lunada Bay. (SSUF 10).

**IV. CONCLUSION**

For the foregoing reasons, and those set forth in the Motion, Defendant Lee respectfully requests the Court to grant partial summary judgment.

DATED: August 17, 2017                      LEWIS BRISBOIS BISGAARD & SMITH LLP

By: \_\_\_\_\_  
/s/ Tera A. Lutz  
Dana Alden Fox  
Edward E. Ward, Jr.  
Tera A. Lutz  
Attorneys for Defendant SANG LEE